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ORIGIN ARA-15

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DRAFTED BY HA:PFLOOD:ARA/ECA:GJWHITMAN:MAS
APPROVED BY ARA/ECA:CWRUSER

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TO AMEMBASSY BUENOS AIRES IMMEDIATE

ARGENTINA PROJECT (S200000044)
U.S. DEPT. OF STATE, A/RPS/IPS
Margaret P. Grafeld, Director
(☒ Release) (☐ Excise) (☐ Deny)

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E.O. 12065: GDS 4/15/86 (RUSER, CW)

Exemption(s): _____
Declassify: (☐ In Part) (☒ In Full)
(☐ Classify as) (☐ Extend as) (☐ Downgrade to) _____
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TAGS: AR , SHUM

SUBJECT: TALKING POINTS ON HUMAN RIGHTS FOR GENERAL TANGUY

1. THE FOLLOWING TALKING POINTS ARE PROVIDED FOR GENERAL TANGUY'S MEETINGS WITH ARGENTINE OFFICIALS:

2. BACKGROUND.

3. THERE HAS BEEN SOME PROGRESS IN HUMAN RIGHTS IN ARGENTINA IN THE PAST YEAR. WHILE RECOGNIZING THAT THERE HAS BEEN A DECLINE IN THE SCALE OF HUMAN RIGHTS VIOLATIONS, AS GENERAL GOODPASTER AND AMBASSADOR SMITH INDICATED, THE STATUS OF HUMAN RIGHTS REMAINS A MATTER OF DEEP CONCERN TO THE U.S. GOVERNMENT. IN YOUR DISCUSSIONS WITH YOUR ARGENTINE COUNTERPARTS, YOU SHOULD STRESS THE CONTINUED STRONG U.S. COMMITMENT TO HUMAN RIGHTS PROGRESS AND THAT A PRINCIPAL PURPOSE OF YOUR VISIT IS TO UNDERSCORE THESE CONCERNS IN A FRANK AND CANDID DIALOGUE.

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4. THE STATE DEPARTMENT'S REPORT ON HUMAN RIGHTS OUTLINES

THE IMPROVEMENTS AND THE PROBLEMS REMAINING IN THE HUMAN RIGHTS SITUATION IN ARGENTINA THROUGH 1979. SINCE NOVEMBER, WE HAVE BECOME AWARE OF ONE DISAPPEARANCE, IN MARCH 1980.

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ARGENTINE OFFICIALS RECENTLY REASSURED AMBASSADOR SMITH THAT THIS PRACTICE HAD CEASED. MOST RECENTLY, THE U.N. HUMAN RIGHTS COMMISSION (UNCHR) DECIDED TO ESTABLISH A FIVE MEMBER WORKING GROUP OF INDEPENDENT EXPERTS TO DEAL WITH THE QUESTION OF MISSING AND DISAPPEARED PERSONS ON A GLOBAL SCALE. THE UNCHR ALSO DECIDED, UNDER ITS CONFIDENTIAL RESOLUTION 1503 PROCEDURES, TO KEEP THE ARGENTINE SITUATION UNDER REVIEW AND TO REQUEST THE GOA TO RESPOND TO A SERIES OF QUESTIONS ON SPECIFIC HUMAN RIGHTS ISSUES.

5. KEY AREAS OF CURRENT HUMAN RIGHTS CONCERN INCLUDE:

-- THE APPROXIMATELY 1,300 PERSONS BEING HELD UNDER EXECUTIVE DETENTION (PEN), MANY OF WHOM HAVE BEEN HELD FOR THREE OR FOUR YEARS. MOST HAVE NEVER BEEN CHARGED WITH ANY OFFENSE. GOA OFFICIALS SAY THAT, ALTHOUGH THERE IS INSUFFICIENT EVIDENCE IN MANY CASES TO BRING THESE INDIVIDUALS TO TRIAL, THE SECURITY FORCES REGARD THEM AS DANGEROUS AND DO NOT, THEREFORE, PLAN TO RELEASE THEM. GOA OFFICIALS TOLD AMBASSADOR SMITH THAT HALF OF THESE PEN PRISONERS WOULD BE TRIED OR RELEASED BY THE END OF THE YEAR.

-- PRESSURES ACCOMPANYING TRIALS INVOLVING SUBVERSION OR TERRORISM MAKE IT DIFFICULT FOR COURTS TO MAINTAIN INDEPENDENCE, AND MILITARY COURTS, BEFORE WHICH CIVILIANS MAY BE TRIED CONDUCT THEIR PROCEEDING IN SECRET. MANY [REDACTED]

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ATTORNEYS ARE RELUCTANT TO TAKE ON CASES INVOLVING SUBVERSION OR TERRORISM, WHICH CAN MAKE AN ADEQUATE DEFENSE DIFFICULT.

-- PROBLEMS IN THE "RIGHT OF OPTION" PROGRAM.
WHEN THE ARGENTINE AUTHORITIES IN 1978 REACTIVATED A CONSTITUTIONAL PROVISION PERMITTING EXECUTIVE DETAINEES TO CHOOSE SELF EXILE, THE U.S. RESPONDED BY ESTABLISHING A SPECIAL PAROLE PROGRAM TO ACCEPT QUALIFIED APPLICANTS. U.S. REGULATIONS REQUIRE THAT A CONSULAR OFFICER PERSONALLY INTERVIEW EACH APPLICANT. THE AUTHORITIES HAVE DENIED MANY OF OUR REQUESTS FOR INTERVIEWS, AND HAVE SUBSEQUENTLY REFUSED A LARGE NUMBER OF OPTION REQUESTS SUBMITTED BY DETAINEES TO WHOM WE HAVE ISSUED CERTIFICATES OF ELIGIBILITY. MOREOVER, THE ENTIRE PROGRAM HAS BEEN RESET BY EXCESSIVE PROCEDURAL DELAYS ON THE ARGENTINE SIDE. THE ARGENTINES HAVE GIVEN LITTLE ENCOURAGEMENT THAT MANY PRISONERS WOULD SOON BE RELEASED UNDER THIS

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PROGRAM. THEY HAVE EXPRESSED CONCERN THAT A NUMBER PROGRAM HAVE RETURNED SURREPTITIOUSLY TO UNDERTAKE TERRORIST ACTIVITIES. HOWEVER, AS U.S. PROCEDURES ARE EFFECTIVE IN SCREENING OUT TERRORISTS, THERE HAS BEEN NO CASE OF A TERRORIST RETURNING TO ARGENTINA FROM THE U.S.

6. IN LATE DECEMBER, THE JUNTA PROMULGATED A POLITICAL PLAN CONTAINING BROAD GUIDELINES AND A COMMITMENT FOR AN EVENTUAL RETURN TO CIVILIAN GOVERNMENT. THE PLAN INCLUDES NO TIMETABLE FOR APPROACHING THIS GOAL, AND A RETURN TO CIVILIAN RULE IS NOT ANTICIPATED BEFORE THE LATE 1980'S. THE GOVERNMENT THIS YEAR EMBARKED ON FIRST STEPS WITH AN INITIATION OF A DIALOGUE WITH THE CIVILIAN SECTOR.

7. THE GOA'S CONCERNS NOW FOCUS ON THE REPORT OF THE OAS INTER-AMERICAN HUMAN RIGHTS COMMISSION (IAHRC). THE IAHRC CONDUCTED AN ON-SITE INVESTIGATION OF HUMAN RIGHTS CONDITIONS IN SEPTEMBER, AND SUBSEQUENTLY SUBMITTED [REDACTED]

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ITS DRAFT REPORT TO THE GOA. ARGENTINE OFFICIALS WERE DISTRESSED BY THE REPORT'S FINDINGS WHICH THEY SAY ARE FAR MORE CRITICAL THAN THEY EXPECTED. THE COMMISSION REVISED ITS REPORT ON THE BASIS OF THE GOA'S COMMENTS AT ITS MARCH 27 - APRIL 12 SESSION, AND WILL ISSUE A FINAL APPROVED VERSION. PUBLICATION IS EXPECTED IN MID-APRIL.

8. WE HAVE MADE CLEAR TO THE ARGENTINES THAT WE PLAYED NO ROLE IN DRAFTING THE REPORT, THAT WE HAVE NOT SEEN THE DRAFT, AND THAT WE RESPECT THE INTEGRITY AND INDEPENDENCE OF THE COMMISSION AND WILL NOT INTERFERE IN ANY WAY WITH ITS PROCEDURES. (THE IAHRC, UNLIKE THE UN HUMAN RIGHTS COMMISSION, IS A BODY OF INDEPENDENT EXPERTS WHO DO NOT REPRESENT GOVERNMENTS.)

9. THE GOA TOOK THE UNUSUAL STEP OF ENCOURAGING THE ARGENTINE PRESS TO PUBLISH THE TEXT OF THE DEPARTMENT'S HUMAN RIGHTS REPORT. ARGENTINE OFFICIALS AS WELL AS HUMAN RIGHTS LEADERS PRAISED OUR REPORT AS AN HONEST, OBJECTIVE, BALANCED ACCOUNT. ALTHOUGH WE WELCOMED THE GOA'S REACTION, THE DECISION TO ENCOURAGE PUBLICATION OF THE US ASSESSMENT WAS PROBABLY INTENDED TO LESSEN THE EXPECTED NEGATIVE PUBLIC IMPACT OF THE IAHRC REPORT.

10. POINTS TO MAKE:

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-- WE HAVE TAKEN NOTE OF THE ARGENTINE GOVERNMENT'S ASSURANCES THAT STEPS HAVE BEEN TAKEN TO CURB THE PRACTICE OF DISAPPEARANCES. WE WELCOME THIS DEVELOPMENT. HOWEVER,

WE ALSO NOTE THAT THERE APPEARS TO HAVE BEEN ONE CASE THIS YEAR, IN MARCH, (RICARDO SORIA).
[REDACTED]

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-- (IF EMBASSY CONCURS) WE ARE PROFOUNDLY DISTURBED BY THE RECENT RUPTURE IN COMMUNICATIONS BETWEEN THE GROUP OF SIX PERSONS WHO DISAPPEARED IN AUGUST 1979 AND THEIR FAMILIES. THIS MATTER WAS RAISED BY THE U.S. AMBASSADOR. WE WOULD APPRECIATE THE GOA ASCERTAINING THEIR WHEREABOUTS.

-- I UNDERSTAND THERE WERE DIFFICULTIES BETWEEN OUR DELEGATIONS IN GENEVA. WE BELIEVE THIS REFLECTED HONEST DIFFERENCES. THE GOODPASTER MISSION UNDERSTOOD THAT ARGENTINA WOULD NOT OPPOSE A GENERAL PROCEDURE IN THE UNCHR ON DISAPPEARANCES. NEITHER SIDE MAY HAVE FULLY APPRECIATED THE OTHER SIDE'S POSITION. IN CONFIDENTIAL CONSIDERATION OF ARGENTINA, OUR DELEGATION, WHILE VOICING ITS CONVICTIONS, FULLY RESPECTED THE CONFIDENTIALITY OF THE COMMISSION'S PROCEDURES.

-- WE HOPE THE GOVERNMENT OF ARGENTINA WILL COOPERATE WITH THE UNCHR'S NEW FIVE-MEMBER WORKING GROUP ON DISAPPEARANCE

-- WE REGRET THE CONTINUING DELAYS IN THE RIGHT OF OPTION PROGRAM, THE VERY LARGE AND INCREASING NUMBER OF REFUSALS OF PERMISSION TO VISIT APPLICANTS IN PRISON, AS WELL AS THE LARGE NUMBER OF EVENTUAL DENIALS OF THE RIGHT OF OPTION TO PERSONS HOLDING U.S. CERTIFICATES OF ELIGIBILITY. WE NOTE YOUR CONCERN THAT OPTIONAL PRISONERS MIGHT RETURN CLANDESTINELY TO CARRY OUT TERRORIST ACTIVITIES. HOWEVER, WE ARE UNAWARE THAT ANYONE HAS RETURNED FROM THE U.S. AND, BECAUSE OF OUR VERY CAREFUL SCREENING PROCEDURES, IT IS EXTREMELY UNLIKELY THAT ANY TERRORISTS COULD COME TO THE U.S. UNDER THIS OR ANY OTHER U.S. PROGRAM.

-- WE NOTE THE COMMITMENT MADE TO AMBASSADOR SMITH THAT HALF OF THE 1300 PERSONS REMAINING IN DETENTION UNDER THE NATIONAL EXECUTIVE POWER WOULD BE RELEASED BY THE
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END OF THE YEAR. WE URGE YOU TO ACCELERATE THE REVIEW OF THESE CASES WITH A VIEW TOWARD EARLY TRIAL, RELEASE, OR EXERCISE OF THE RIGHT OF OPTION.

-- THE FATE OF PERSONS WHO DISAPPEARED IN ARGENTINA CONTINUES TO BE A MATTER OF GREAT AND GROWING INTERNATIONAL CONCERN. WE RECOGNIZE THAT THIS IS A DIFFICULT PROBLEM FOR THE GOA. HOWEVER, WE BELIEVE IT IS IN ARGENTINA'S OWN BEST INTEREST TO DEVISE A PLAN WHICH WOULD PROVIDE TO FAMILIES WHATEVER INFORMATION THAT MAY BE AVAILABLE OR OBTAINABLE. THE NEW WORKING GROUP OF THE U.N. HUMAN RIGHTS COMMISSION COULD BE HELPFUL IN THIS, AS MIGHT BE THE CHURCH.

-- WE NOTED THE ANNOUNCEMENT LAST DECEMBER OF PRESIDENT VIDELA'S POLITICAL PLAN AND THE PRESIDENT'S RECENT ANNOUNCEMENT THAT THE GOVERNMENT WAS BEGINNING A POLITICAL DIALOGUE. WE ARE VERY INTERESTED IN THIS IMPORTANT DEVELOPMENT. WE WOULD APPRECIATE ADDITIONAL INFORMATION ON HOW THE GOA SEES THIS PROCESS DEVELOPING.

-- WE HOPE ARGENTINA WILL RESPOND FULLY AND PROMPTLY TO THE SERIES OF QUESTIONS POSED BY THE U.N. HUMAN RIGHTS COMMISSION IN THE RESOLUTION ADOPTED UNDER ITS CONFIDENTIAL PROCEDURES LAST MONTH WITH REGARD TO THE SITUATION IN ARGENTINA.

-- WE REGARD THE ARGENTINE GOVERNMENT'S DECISION TO PUBLISH THE TEXT OF THE STATE DEPARTMENT'S HUMAN RIGHTS REPORT AS A POSITIVE STEP TOWARD IMPROVING BETTER UNDERSTANDING OF THE MATTER.

-- WE HOPE TO SEE AN END TO ARBITRARY ARRESTS, REINSTITUTION
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OF EFFECTIVE EXERCISE OF THE RIGHT OF HABEAS CORPUS, AND A RETURN TO THE RULE OF LAW WITH AN INDEPENDENT JUDICIARY.

-- (IF RAISED): THE U.S. FULLY RESPECTS THE INTEGRITY AND INDEPENDENCE OF THE INTER-AMERICAN HUMAN RIGHTS COMMISSION. WE DID NOT INTERVENE IN THE COMMISSION'S PREPARATION OF ITS REPORT ON ARGENTINA, NOR DID WE SEEK TO INFLUENCE THE COMMISSION'S DELIBERATIONS AND DECISIONS IN THIS MATTER.

-- (IF RAISED): WE NEED TO SEE FURTHER HUMAN RIGHTS

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IMPROVEMENTS IN ARGENTINA BEFORE WE CAN CHANGE OUR VOTING
POSITION IN THE INTERNATIONAL FINANCIAL INSTITUTIONS.
VANCE

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